

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 1:16CR67
v.)	
)	FACTUAL BASIS
JOSEPH HAROLD PATTERSON)	
_____)	

NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. On August 15, 2015, Special Agent (SA) Kirby Styles with the National Park Service received a phone call from a concerned father that his son, "Child Victim One" (hereinafter, "CV1") had been the victim of inappropriate sexual activity by JOSEPH HAROLD PATTERSON during various camping trips that PATTERSON had taken with CV1 and other minors to the Great Smoky Mountain National Park from Anderson, South Carolina. SA Styles initiated a joint investigation along with the Anderson, South Carolina police department and the South Carolina Attorney General's Office.
2. The investigation revealed that PATTERSON made at least three trips to the Smokemont Campground within the Great Smoky Mountains National Park, in Swain County, within the Western District of North Carolina. In 2009, PATTERSON arrived at the campground on July 21 and departed on July 24. In 2010, PATTERSON arrived at the campground on August 2 and departed on August 5. In 2011, PATTERSON arrived at the campground on June 27 and departed on June 30.

3. On the 2010 trip, PATTERSON took "Child Victim Two" (hereinafter, "CV2," a boy) and "Child Victim Three" (hereinafter, "CV3," a boy) with him. At that time, CV2 was twelve years old and CV3 was twelve years old. PATTERSON was fifty-two (52) years old at that time. PATTERSON drove the two boys in his car from Anderson, South Carolina to the Smokemont Campground. PATTERSON had met the boys and gotten to know them because they all attended the same church in Anderson, South Carolina.
4. During the 2010 trip, PATTERSON took the boys into their tent and masturbated himself in front of them. PATTERSON then encouraged the boys to masturbate in front of him, which they did.
5. On the 2011 trip, PATTERSON took CV1, CV2, and CV3 with him. At that time, CV1 was thirteen years old, CV2 was thirteen years old and CV3 was thirteen years old. PATTERSON was fifty-three (53) years old at that time. PATTERSON drove the three boys in his car from Anderson, South Carolina to the Smokemont Campground.
6. During the 2011 trip, PATTERSON and the boys swam in a creek by the campground. While doing so, PATTERSON pulled up his swim shorts and exposed his penis to the boys. Also during the trip, PATTERSON described masturbation to the boys and told them that using "KY jelly" lubrication made masturbation feel like the real thing. PATTERSON took the boys to a store and bought KY jelly and condoms with the boys. Also during the trip, PATTERSON and the boys went into their tent and he encouraged them to masturbate as a group. While in the tent, the boys exposed their penises and attempted to masturbate in front of PATTERSON. The boys expressed that they felt uncomfortable masturbating in front of PATTERSON and he told them that it was normal for friends to masturbate together and "that is what you are supposed to do." The boys then asked PATTERSON to leave the tent, which he did.
7. PATTERSON also had regular contact with CV1, CV2, and CV3 in Anderson, South Carolina over a period of five or six years. PATTERSON regularly invited the boys to his home where he gave them alcohol, shared pornography with them, discussed sexual topics, and encouraged them to masturbate in front of him. As a result, the boys believe that they masturbated in front of PATTERSON in PATTERSON's home on at least one occasion.
8. Numerous other children had similar contacts with PATTERSON to include his offering them alcohol, giving them "e-cigarettes," showing them pornography, allowing them to watch "R-rated" movies, buying them gifts, taking them out to restaurants, describing his sexual experiences, and encouraging them to masturbate.
9. On one occasion, an eighth grade boy recalled that during his seventh grade year, PATTERSON attended a Wednesday night event at the church. PATTERSON showed

the boy and two other boys pornography on PATTERSON's phone. After showing the pornography to the boys, PATTERSON suggested to the boys that they should masturbate in the church bathroom. PATTERSON told the boys how to masturbate and gave them "pointers" on masturbation. The boys then went into the bathroom to masturbate and PATTERSON stood by the doorway.

10. In a statement given on August 27, 2015, PATTERSON admitted the following:

- a. PATTERSON provided alcohol to minors on various occasions.
- b. PATTERSON provided "e-cigarettes" to minors.
- c. PATTERSON bought lube for minors.
- d. PATTERSON masturbated at Smokemont Campground to show CV2 and CV3.
- e. PATTERSON talked to minors about sex.

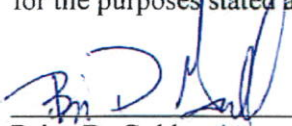
JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY



DAVID A. THORNELOE
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.



Brian D. Gulden Attorney for Defendant

DATED: 1/24/2017